



General Assembly

January Session, 2009

**Amendment**

LCO No. 5623

**\*SB0077305623SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 773

File No. 137

Cal. No. 162

**"AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE  
CODES OF ETHICS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) There is established a  
4 Bipartisan Senate Committee on Standards of Official Conduct that  
5 shall consist of six members, appointed as follows: Three majority  
6 caucus senators by the President Pro Tempore, and three minority  
7 caucus senators by the President Pro Tempore upon the  
8 recommendation of the Senate Minority Leader. The President Pro  
9 Tempore shall appoint two cochairpersons of the committee, one of  
10 whom shall be appointed upon the recommendation of the Senate  
11 Minority Leader. Such appointments shall be made not later than ten  
12 days after the effective date of this section.

13 (b) Said committee shall have cognizance of any official Senate

14 action in response to any misconduct by any member of the Senate.  
15 "Misconduct" shall include any ethical violation, abuse of office or  
16 conduct that materially impairs the ability of the member to perform  
17 the duties of his or her office or undermines public confidence and  
18 trust in the Senate. Nothing in this rule shall be construed to affect the  
19 powers and duties of the Office of State Ethics or the Citizen's Ethics  
20 Advisory Board.

21 (c) A quorum, consisting of not less than two members of each  
22 caucus, shall be required to conduct any official business of the  
23 committee. All committee decisions shall require four affirmative  
24 votes.

25 (d) Upon the complaint of any person, signed under penalty of false  
26 statement, or upon its own complaint, the committee shall conduct a  
27 preliminary investigation into claims of any misconduct by any  
28 member of the Senate. Any committee member who is the subject of  
29 such a complaint shall recuse himself or herself from any committee  
30 action pertaining to such complaint. Such member shall be replaced,  
31 for purposes of committee action on such complaint, in the same  
32 manner in which such member was appointed.

33 (e) Any such preliminary investigation shall be confidential and not  
34 subject to disclosure. Upon the conclusion of any preliminary  
35 investigation, the committee shall vote to either (1) dismiss the  
36 complaint, or (2) make a finding of probable cause that misconduct has  
37 occurred. Upon a finding of probable cause by the committee, all  
38 information relating to the preliminary investigation shall, to the  
39 extent allowed by state and federal law, be made available to the  
40 public.

41 (f) The committee shall undertake a full investigation only after a  
42 finding of probable cause. All information relating to a full  
43 investigation shall, to the extent allowed by state and federal law, be  
44 made available to the public. All proceedings relating to a full  
45 investigation shall be open to the public. Upon the completion of a full

46 investigation, the committee shall report its findings and  
47 recommendation in the form of a resolution to be voted upon by the  
48 Senate. Such recommendation shall include one of the following: (1)  
49 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate  
50 shall vote on any such resolution not later than ten days after the  
51 committee reports out any such resolution.

52 (g) The subject of any such complaint or investigation may be  
53 represented by counsel.

54 (h) Not later than ninety days after the effective date of this section,  
55 the committee shall adopt rules and procedures to govern its  
56 proceedings. Such proposed rules shall include, but not be limited to:  
57 (1) Standards, rules and methodology for conducting preliminary and  
58 full investigations, respectively, and (2) criteria for the making of a  
59 recommendation of expulsion, censure, reprimand and no action,  
60 respectively."